

**DECISION**

*G. C. Heron*  
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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

FILE: B-188670

DATE: January 3, 1978

MATTER OF: Gabriel C. Brazao - Real Estate Expenses -  
Settlement Date Limitation

**DIGEST:** Employee who transferred from Montpelier, Vermont, to San Juan, Puerto Rico, is not entitled to reimbursement for expenses incurred in connection with the sale of his home at old duty station since settlement did not occur within 2 years of date on which employee reported to new duty station as required by FTR para. 2-6.1e.

By letter of March 17, 1977, the Department of Transportation (DOT) requested our decision regarding the authority for the reimbursement of certain costs incurred by Mr. Gabriel C. Brazao in connection with the sale of his residence at his old duty station, incident to his transfer.

Effective September 1, 1974, Mr. Brazao, an employee of DOT's Federal Highway Administration, was transferred, under Travel Order No. T-01-00-063, from Montpelier, Vermont, to San Juan, Puerto Rico. Mr. Brazao was unable to sell his house at his old duty station until October 25, 1976, when settlement occurred. Due to his difficulty in selling the house, Mr. Brazao requested and received a 1-year extension of the time limit for which real estate expenses may be reimbursed. The extension was approved August 14, 1975, and was effective until September 1, 1976, 2 years from the date of Mr. Brazao's transfer.

In his request for an additional extension Mr. Brazao states that factors beyond his control, primarily unfavorable market conditions, prevented the sale of his house within the 2-year period. It is well settled that no additional extension of time, beyond the 2-year limit, may be granted. Paragraph 2-6.1e of the Federal Travel Regulations, FPMR 101-7 (May 1973), provides that an employee may be reimbursed for real estate expenses if the following time limitations are met:

"The settlement dates for the sale and purchase or lease termination transactions for which reimbursement is requested are not later than 1 (initial) year after the date on which the employee reported for duty at the new official station.

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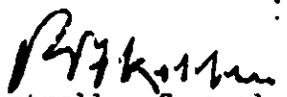
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Upon an employee's written request this time limit for completion of the sale and purchase or lease termination transaction may be extended by the head of the agency or his designee for an additional period of time, not to exceed 1 year, regardless of the reasons therefor so long as it is determined that the particular residence transaction is reasonably related to the transfer of official station."

Because Mr. Brazao failed to meet the 2-year time limitation, there is no authority for the reimbursement of expenses incurred in connection with the sale of his home, regardless of the extenuating circumstances involved. Michael J. Mahoney, B-189043, July 1, 1977 and Robert J. Dion, B-187677, December 3, 1976. Since the above regulations were issued pursuant to 5 U.S.C. 5724a(a)(4) (1970), they have the force and effect of law and, therefore, cannot be modified by this Office, nor by the agency concerned. 49 Comp. Gen. 145, 147 (1969).

Accordingly, the voucher is returned and may not be certified for payment.

Deputy

  
Comptroller General  
of the United States